

MAPLETON CITY
PLANNING COMMISSION MINUTES
April 25, 2013

PRESIDING AND CONDUCTING: Vice-Chairman Rich Lewis

Commissioners in Attendance: John Gappmayer
Leslie Jones
Golden Murray
Keith Stirling
Mike Tippets

Staff in Attendance: Sean Conroy, Community Development Director
Brian Tucker, Planner I
Gary Calder, City Engineer
Eric Johnson, City Attorney

Minutes Taken by: April Houser, Executive Secretary

Vice Chairman Lewis called the meeting to order at 6:30pm. Golden Murray led the Pledge and Mike Tippets gave the invocation.

Alternate Commissioner Golden Murray was seated as a voting member this evening.

Items are not necessarily heard in the order listed below.

Item 1. Planning Commission Meeting Minutes – April 11, 2013.

Motion: Commissioner Tippets moved to approve the April 11, 2013 Planning Commission Minutes.
Second: Commissioner Jones
Vote: Unanimous

Item 2. Consideration of a request for a Home Occupation to operate a daycare/preschool for up to 16 children in the Agricultural-Residential (A-2) Zone.

Brian Tucker, Planner I, went over the Staff Report for those in attendance. The property is accessed from 1200 North. The access easement along the driveway is approximately 14'-16' wide all the way back to the home. No more than 500 square feet of the home can be used, and no more than 6 cars at any one time onsite, for the home occupation. Background checks will be done on all employees, and a state license is required as well. The plan is to only have one employee, and pick up and drop off times will be staggered. Staff does not feel there is a concern with traffic along 1200 North.

Jennifer Scoma, applicant, stated that the State requires background checks on all daycare facilities. **Vice Chairman Lewis** opened the Public Hearing. **Janice Fowels** has no objection to the permit except she wanted to make sure the children were not allowed to come out close to the ditch that runs through this area. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Gappmayer moved to approve the Home Occupation Permit for a daycare/preschool for up to 16 children in the Agricultural-Residential (A-2) Zone, with the conditions listed below:

1. The applicant shall obtain a business license prior to opening for business.
2. The applicant shall obtain licensure for a daycare from the State of Utah and shall maintain a copy of current licensure with Mapleton. The maximum number of children shall not exceed that allowed by the state license.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton.
4. With the exception of activities that are clearly incidental and secondary to the daycare/preschool use, the home occupation shall be conducted within the confines of the structure.
5. No signs shall be placed on the property without a sign permit.
6. The access easement must be approved by the Mapleton City Police and Fire Departments to ensure safe access for emergency vehicles.
7. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
8. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

Second: Commissioner Jones

Vote: Unanimous

Item 3. Consideration of a request from Wendell Gibby for Preliminary Plat approval for the Freedom Vista Subdivision Plats A-D and Final Plat approval of Plat A located generally at 2000 East Maple Street in the RA-1 and CE-1 Zones.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. The applicant owns approximately 118 acres. The lot sizes vary from .48 to 2.25 acres in size. Staff is supportive of the proposal for 58 lots. City Standards state that an 8% street grade is the maximum the city would like, however if a 3rd party engineer can give approval on the proposed grade on these roads an increase up to 12% may be acceptable. The City is requesting a stub street to the Roundy's property, which is consistent with the City Code and Master Transportation Plan. The applicant is proposing to dedicate an easement to the City that would run down the escarpment that would connect by Maple Street and head south towards Dogwood Drive. The trail would go along the applicant's property, onto City property, and back on to the applicant's property again. Storm water is to be retained onsite, and not to be directed to adjacent properties. They would be able to have some flow into the Mapleton City Irrigation Pond, but the bulk of the water will need to be retained on site. Staff recommends approval to the City Council with the conditions as outlined in the Staff Report.

Wendell Gibby, applicant, showed a picture of the slope he feels is too steep in order to provide a stub in to the Roundy property. He felt large cuts in Lots 18 and 19 would be required in order get a stub in this area. In previous discussions they were very insistent that they would determine where the city trail access be located. Their position has not changed. The Memorandum of Understanding (MOU) was discussed that their position was to run the trail around the perimeter of the development. Mr. Gibby feels that there should be no easement required as a road stub to the Roundy property, feeling it would be a direct violation of the MOU. They tried for 10 years to work with the Roundy's to get an easement across here, and have spent approximately \$5 million dollars to gain access to their property. He stated that the City has land locked them twice, and has not had any cooperation with the Roundy's. They are opposed to providing this access. He is appreciative of the City's support of the 58 lots and water line installation.

The applicant has had multiple meetings, including mediation, with the Maple Cove Subdivision owner. Wendell went over what the previous proposal was between himself and the Graham's. He showed two possible proposals for the development if they were not able to come up with an agreement between them. The turnaround has been requested by the City. Mr. Gibby feels that the density and water line are not an issue, and that the Graham situation should not be an issue either. This subdivision was approved at one time. With the topography of the land it does not allow for the property to be developed in any other fashion than having some 12% street slopes. **Eric Johnson**, City Attorney, stated that the prior approval was for a development with 47 lots, which is not the same as the one before them this evening. Wendell stated that it was not binding at this time. The RA-1 Zone has been passed, and that is a fact. The debates and discussions about this were agreed upon and there should be equal protection under the law. The final issue is about the trail, and Wendell Gibby showed a drawing indicating the difference between degrees and slopes. When they agreed to this at the Legislature they agreed to a 10' easement in the MOU. The City has come back and said that would not work. They have come back with a compromise to accommodate a pedestrian and equestrian trail, not one for handicap access. The slope up Maple Canyon is 16%. To keep the slopes under 12% will require 600' of trail in order to get up the hill. It becomes expensive as well as requires acres of property. What they propose is they will provide a 12 degree slope, which is less than the road they have for Rocky Mountain Power. Wendell stated that he was told by a member of the Bonneville Shoreline Trail that a 25% slope is okay for short distances along the trail system. 12 degrees is roughly a 23% slope. Wendell understands the Planning Commission is advisory, but a favorable recommendation would go a long ways to help reduce contention and litigation between himself and the City. Mr. Gibby then summarized his comments again. **Commissioner Tippetts** went over the recommended conditions listed in the Staff Report. Wendell Gibby would prefer a longer term Development Agreement than the proposed 3 years. Eric Johnson stated that 3 years is what the code states. **Gary Calder**, City Engineer, stated that Fire Code requires Temporary Turnaround every 500'. Wendell stated that he does not have a problem with it. The bond would be for street improvements, sidewalk, and whatever infrastructure is required. Wendell is okay with the 3rd party requirement for the slope of the streets. Mr. Gibby is happy to work with the City to come up with something reasonable in regards to water retention. He does not know why the City is requiring an updated landscaping plan. Gary stated that the retention basins have to be approved in order to meet Division of Water Quality standards. Any previous submittals would not be acceptable since this new development proposal will be larger.

Vice-Chairman Lewis opened the Public Hearing. **Evan Roundy** stated that he can not speak for the conversations Mr. Gibby had with his father or mother but that the road he proposed to them would have required them to come up with \$1 million dollars as their portion. They would be able to have 6 lots on their property, and that would not be feasible. There was no other proposal forth coming. He would propose that the city negotiate with the Forest Service to get an easement on the top and access the property there. That would give Mr. Gibby a 3rd access to his property. The old fire break road, which goes up the side of the mountain, has already been graded and that is a possibility. There are solutions to this situation and the city should look at all possibilities. They are asking that the City Code be enforced. **Commissioner Stirling** asked how much it would cost to stub the road for the Roundy's if the road was located in the northeast corner, and Mr. Roundy stated that he did not know. **James Roundy** stated that if there was no access to their property it would make it difficult to do anything with. It would also limit emergency access to their property. The roads being on the north side of Mr. Gibby's property will make for steep roads that are difficult to get up, and has a concern with this. Staff stated that there is no prohibition on having a lot with roads on both sides. Wendell stated that the Roundy's made a case for not doing the road here due to the cost. The Forest Service, under the plan they have, would need to agree to the road. He feels there is nothing that prevents the Roundy's from getting to their property. Mr. Gibby went back to the MOU that was previously signed. He feels the City made some pretty serious and unethical choices. Part of the agreement with the MOU is that the City can not require things of him that

they do not require of other developers. He feels they provided 3 areas for emergency access to the bench. No additional comments were given and the Public Hearing was closed.

Commissioner Jones asked Eric if the City was the one that asked for the temporary turnaround on the south end of the property and he said that he believed it was. Sean stated that we are not requesting a 55' easement for the trail and Wendell stated that we are asking for a much larger one. The request in the Staff Report is the trail stay on the applicant's property. A 10' easement is consistent with what the City is requesting. Eric Johnson said two things seemed inconsistent to him. One; that the stub would go through the flattest part of Mr. Gibby's property. The second is that Mr. Gibby stated that the grade becomes very steep on his property. Eric asked if the power line easement would be moved on the Roundy's property, and Wendell stated that it would not. **Commissioner Stirling** stated that he feels the trail and Roundy property stub are the two conditions that Mr. Gibby has issues with.

Motion: Commissioner Tippetts moved to recommend approval to the City Council of the Preliminary Plat for the Freedom Vista Subdivision Plats A-D and Final Plat approval of Plat A located generally at 2000 East Maple Street in the RA-1 and CE-1 Zones, with the recommendations listed below:

1. Upon final approval by the City Council, the applicant shall have three years to record Plat A, unless otherwise agreed to by the City Council. Final plat review of plats B-D shall require Planning Commission review and City Council approval. Additional special conditions may be imposed during the final review of these plats.
2. The bond amount for Plat A shall include the installation of a gravel road (Andrew Avenue) that is accessed off of Dog Wood Drive to provide secondary emergency ingress and egress for Plat A.
3. All roadways shall be inspected by a third party geo-tech engineer company prior to acceptance by Mapleton City. This will require a subsurface investigation to assure proper clearing and grubbing and compaction were completed prior to fill placement.
4. The applicant shall provide an easement for a trail from the north and south property lines of the Gibby Parties' property across the west escarpment of the property in substantial compliance with plats previously submitted by the Gibby Parties during the legislation session in 2007 to Mapleton, consistent with City's trail easement on the north across the adjoining Roundy property and connecting on the south to either the Forest Service or the City property. The Gibby Parties shall choose the location of the trail easement through the Gibby Parties' property.
5. Prior to plat recording, the Gibby Parties shall grant an easement, at no cost to the City, for an 18" water main that is to be placed in a public right-of-way in a location to be determined by Mr. Gibby and approved by the City Engineer.
6. The debris fence basin drawings shall be stamped by the structural and geo-tech engineer and shall include a note of approval from the Utah Geological Survey (UGS) of the design and location of debris fence if required by the UGS.
7. The geo-tech and structural engineer shall stamp and sign sheets D1-1 to D1-3 of the plans.
8. A revised drainage study shall be submitted prior to plat recording. The drainage study shall evaluate the subsurface soil conditions at the site and provide geotechnical recommendations for storm water detention and release. Design discharge from the detention facilities shall approximate pre-developed (not developed) peak runoff rates of no more than .2 cfs per acre. The storm water runoff leaving the site during the design storm is limited to either .2 cfs per acre

or discharge prior to development.

The applicant is requesting to release storm water into the new irrigation pond below the development (built 2010-12), which will only be allowed if the discharge is clean, and also at a determined controlled flow rate. This flow rate will need to be determined based on historical or pre-developed data from the geo-tech engineer and approval by city engineer. This flow rate may need to be reviewed by a third party geo-tech engineering company if this rate cannot be agreed upon. The submitted plans shall include outlet structures at the detention ponds that are designed to assure the discharge is clean and the facility is near capacity before any water exits the detention basins.

9. An amendment to the Maple Cove Plat B subdivision shall be recorded prior to, or simultaneously with Plat A of the Freedom Vista subdivision identifying the new property boundaries between the two subdivisions. If the Freedom Vista subdivision is revised to no longer require a portion of the Maple Cove Plat "B" property, than this condition will no longer be required.
10. An updated Retention Basin Plan meeting the requirements of Mapleton City Code.
11. Prior to Plat C being recorded the RMP transmission lines shall be relocated to the east.

Second: Commissioner Murray

Vote: 5:1:0 with Commissioners Murray, Stirling, Gappmayer, Tippetts and Lewis voting aye and Commissioner Jones voting nay stating that she was not comfortable with removing the recommendation of a street stub to the Roundy's property at this time.

Item 4 Adjourn.

Motion: Commissioner Murray moved to adjourn the meeting at 8:00pm.

Second: Commissioner Stirling

Vote: Unanimous

April Houser, Executive Secretary

Date: